

CHAPTER 43-03 ARCHITECTS AND LANDSCAPE ARCHITECTS

43-03-01. Definitions. In this chapter, unless the context or the subject matter otherwise requires:

1. "Architect" means an individual who is registered as an architect under this chapter.
2. "Board" means the state board of architecture.
3. "Landscape architect" means an individual who practices landscape architecture.
4. "Landscape architecture" does not include the practice of engineering and practice of professional engineering as defined under section 43-19.1-02.

43-03-02. Persons exempt from regulations.

1. The architect registration provisions of this chapter do not apply to a person making plans and specifications for a building to be constructed by or for that person; a person supervising the erection, enlargement, or alteration of a building being constructed by or for that person; a person preparing for a school board plans and specifications for, or supervising the erection or alteration of, one-room or two-room school buildings costing not to exceed five thousand dollars; or an employee of an architect acting under that architect's instruction, control, and supervision in preparing plans and specifications for the erection, enlargement, or alteration of buildings.
2. The landscape architect registration provisions of this chapter do not apply to:
 - a. An architect, a professional engineer, or a land surveyor in the course of providing professional services for which otherwise licensed or registered;
 - b. A nursery worker, gardener, landscape designer, or landscape contractor in the course of preparing planting plans or installing plant material, to the extent these activities do not impact the public health, safety, or welfare; or
 - c. An individual in the course of planning or otherwise caring for that individual's property.

43-03-03. State board of architecture - Members - Term of office - How vacancies filled. The state board of architecture must consist of three members appointed by the governor for terms of six years each with their terms of office so arranged that one term and only one expires on March fourteenth of each odd-numbered year. Each member of the board shall qualify by taking the oath of office required of civil officers and shall hold office until that member's successor is appointed and qualified, and any vacancy occurring in the board must be filled by the governor for the unexpired term.

43-03-04. Qualifications of members of board - Removal of members. A member of the board must be an architect who has been a resident of and in active practice as principal in this state for not less than three years prior to appointment. The governor may remove any of the members of the board for inefficiency or neglect of duty.

43-03-05. Meetings of board - Officers elected. The board shall hold regular meetings on the first Monday of April and of October of each year and may hold such special meetings as are necessary. The board shall select from among its members a president and a secretary.

43-03-06. Salary of secretary of board and members of board - Expenses of board. The secretary of the board shall receive such salary as must be fixed by a resolution of the board

adopted at a regular meeting, and also shall receive such traveling, hotel, and other expenses as are incurred legitimately in the performance of the secretary's official duties. Each of the other members of the board shall receive twenty-five dollars for each day or portion thereof spent in the discharge of the member's duties, such mileage as is provided for by section 54-06-09, and must be reimbursed for the member's actual and necessary expenses incurred in the discharge of the member's official duties. The expenses of the board and its officers at no time may exceed the amount of moneys received and on deposit to the credit of the board under the provisions of this chapter.

43-03-07. Deposit of fees - Separate fund - Vouchers. Repealed by S.L. 1971, ch. 510, § 15.

43-03-08. Board to adopt rules. The board may adopt rules:

1. To govern board proceedings.
2. For the examination of candidates for registration.
3. For the regulation of the practice of architecture and landscape architecture.
4. For education of registration applicants.
5. For continuing education of registrants.

43-03-09. Unauthorized practice prohibited. A person may not practice architecture in this state unless registered as an architect under this chapter or otherwise authorized by the board. After December 31, 2004, a person may not practice landscape architecture in this state unless registered as a landscape architect under this chapter or otherwise authorized by the board.

43-03-10. Regulation of use of terms.

1. A person may not use the title or designation "registered architect", "licensed architect", any variation of those terms, or any other words, letters, or device to indicate that person is an architect authorized to practice architecture in this state unless that person is registered as an architect under this chapter. In a copartnership of architects, each member of the partnership shall hold a certificate of registration to practice.
2. A person may not use the title or designation "registered landscape architect", "licensed landscape architect", any variation of those terms, or any other words, letters, or device to indicate that person is a landscape architect authorized to practice landscape architecture in this state unless that person is registered as a landscape architect under this chapter.

43-03-11. Application for examination - Fee. Before an individual may take the examination for registration as an architect or a landscape architect, that individual shall make an application to the board submitting satisfactory evidence of having the required qualifications and shall pay an examination fee of not more than one hundred dollars. If reexamination is required, the applicant shall pay a reexamination fee of not more than one hundred dollars for a reexamination. The fee for reexamination may be waived in whole or in part by the board.

43-03-12. Board to issue certificates of registration. The board shall examine applicants for registration and shall issue certificates of registration to those who are qualified. The board may administer an examination or may recognize a board-approved examination of a nationally recognized entity.

43-03-13. Qualifications. An applicant for registration:

1. Must be at least eighteen years of age;
2. Must be of good moral character, with rejection possible on the basis of:
 - a. Conviction of an offense determined by the board to have a direct bearing upon an applicant's ability to serve the public as an architect or a landscape architect, or the board determines, following conviction of an offense, that the applicant is not sufficiently rehabilitated under section 12.1-33-02.1;
 - b. Misstatement or misrepresentation of fact by the applicant in connection with that individual's application; or
 - c. Violation of any of the standards of conduct required of registrants;
3. Must have successfully completed an examination for registration;
4. In the case of an architect, must have the practical experience and academic training as is specified in the current guidelines published by the national council of architectural registration boards if such guidelines are adopted by the board; and
5. Must satisfy registration criteria adopted by the board.

43-03-14. Examination. Before an applicant may be registered as an architect, the applicant shall pass satisfactorily an examination in such technical and professional courses as are established by the board. The examination must have special reference to the planning, design, and construction of buildings. The examination must cover such subjects and be graded on such basis as outlined by the national council of architectural registration boards.

43-03-15. When examination not necessary. A nonresident applicant seeking to practice architecture in North Dakota may be admitted to practice if:

1. The applicant holds a license in the state where the applicant's office is located; and
2. The applicant holds a national council of architectural registration boards certificate, when:
 - a. The applicant files an application with the board, containing such information concerning the applicant as the board considers pertinent; and
 - b. The board receives from the national council of architectural registration boards a certified copy of the applicant's council record.

43-03-16. Certificates of registration issued by board - Result of examinations recorded by secretary of board. The result of every examination for registration as an architect or a landscape architect and the evidence of qualifications must be recorded by the secretary of the board. The board shall issue a certificate of registration to every individual who passes the examination or otherwise is entitled to receive the certificate. The secretary of the board shall maintain a list of architects and landscape architects certified under this section. This list must contain the registrant's name, current business address, certification number, and the expiration date of the certificate.

43-03-17. Certificates of registration - Term - Renewal. A certificate of registration as an architect or a landscape architect must be issued for a term established by the board. Upon the payment of the proper fee, a certificate of registration may be renewed without examination.

43-03-18. Fees.

1. The following fees apply to architects and landscape architects:

- a. Following examination, an architect registration fee of not more than one hundred dollars, as set by the board.
 - b. When examination is not necessary under section 43-03-15, an architect registration fee of not more than one hundred dollars, as set by the board.
 - c. An architect registration renewal fee, which need not be collected annually, but which must be based on no more than one hundred dollars per year, as set by the board.
 - d. Following examination, a landscape architect registration fee of not more than five hundred dollars, as set by the board.
 - e. A landscape architect registration renewal fee, which need not be collected annually, but which must be based on no more than five hundred dollars per year, as set by the board.
2. If in any year the board incurs expenses related to regulation of landscape architects which are in excess of the income generated through landscape architect fees for that year, the board may assess a special fee to cover these excess expenses. The board may continue an annual special fee assessed under this subsection until the excess obligations are met. Landscape architect fees set by the board may not exceed the amount reasonably necessary to regulate the profession of landscape architecture.
 3. If in any year the board incurs expenses related to regulation of architects which are in excess of the income generated through architect fees for that year, the board may assess a special fee to cover these excess expenses. The board may continue an annual special fee assessed under this subsection until the excess obligations are met. Architect fees set by the board may not exceed the amount reasonably necessary to regulate the profession of architecture.

43-03-19. Effect of failure to pay fee.

1. If the holder of a certificate of registration as an architect or a landscape architect fails to pay the renewal fee or a special fee when due, that individual's certificate must be revoked unless that individual's application for renewal is made within one year after the expiration of that individual's certificate. If application for renewal is made within one year, that individual then shall pay the delinquent fee set by the board under section 43-03-18. If a former holder applies for renewal more than one year after the expiration of that individual's certificate, that individual may, in the board's discretion, be reinstated upon payment of a fee as set by the board.
2. A certificate may not be revoked for nonpayment of fees unless the secretary of the board has first given at least thirty days' notice by certified mail to the holder of such certificate. The notice must be directed to the last-known address or place of residence of the delinquent.

43-03-20. Revocation of registration. The board, after a hearing upon thirty days' written notice to the certificate holder, may revoke any certificate of registration of an architect or a landscape architect upon proof that:

1. Such certificate has been obtained by fraud or misrepresentation;
2. The holder of such certificate has been guilty of malfeasance, fraud, gross incompetency, or negligence in connection with the holder's practice of architecture or landscape architecture;

3. The holder of such certificate has allowed a nonregistered person to practice as an architect by the device of permitting the holder's name or stamp to be placed upon drawings, or other contract documents, not prepared by the holder or under the holder's direct supervision;
4. The holder of such certificate has been convicted of an offense determined by the board to have a direct bearing upon the holder's ability to serve the public as an architect or landscape architect; or that, following conviction of an offense, the holder is not sufficiently rehabilitated under section 12.1-33-02.1; or
5. The holder of such certificate has violated this chapter.

43-03-21. Penalty. Any person willfully violating this chapter is guilty of a class B misdemeanor.

43-03-22. Stamp. At the time of the issuance of the certificate of registration, the board shall furnish to the applicant, at the applicant's expense, a rubber stamp to be used by the applicant in the conduct of the applicant's practice and to be impressed upon drawings and other documents prepared by the applicant. The board shall prescribe rules governing the use of such stamp and applicant's signature.

43-03-23. Liability for contractor's fault - Liability for own negligence. An architect or a landscape architect is not liable for the safety of persons or property on or about a construction project site, or for the construction techniques, procedures, sequences and schedules or for the conduct, action, errors, or omissions of any construction contractor, subcontractor, or material supplier, their agents or their employees, unless the architect or landscape architect assumes responsibility therefor by contract or by the architect's or landscape architect's actual conduct. This section does not relieve an architect or a landscape architect from liability from the architect's or landscape architect's negligence, whether in the architect's or landscape architect's design work or otherwise.

43-03-24. Landscape architect and architect advisory committees. Before July 15, 2003, the board shall appoint a landscape architect advisory committee to assist in implementation and coordination of landscape architect regulation. The committee must consist of three landscape architects. Committee members serve on a voluntary basis and are not entitled to receive from the board compensation or reimbursement of expenses incurred in serving on the committee. Before July 15, 2003, the board shall appoint an architect advisory committee to assist in implementation and coordination of landscape architect regulation. The committee must consist of three architects. Committee members serve on a voluntary basis and are not entitled to receive from the board compensation or reimbursement of expenses incurred in serving on the committee.

43-03-25. Use of additional funds for landscape architect regulation. The board may apply for, solicit, accept, and expend any contribution, grant, or gift made available from a public or private source for the purpose of regulating landscape architects.